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Paper No. 17

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**JUL 15 2003**

**OFFICE OF PETITIONS**

In re Application of  
Desai, et al.  
Application No. 09/847,945  
Filed: May 2, 2001  
Attorney Docket No. ABI1460-3  
(071243-1317)

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 21, 2003.<sup>1</sup>

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a PCT international application filed on May 2, 2002. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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<sup>1</sup> Supplemented by a facsimile transmission on July 8, 2003.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of October 23, 2003 accompanies this decision on petition.

The application is being forwarded to Technology Center 1600 to await for applicant's reply to the final Office action mailed May 19, 2003.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: Notice Regarding Rescission of Nonpublication Request  
(1 page)